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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/635,597	08/06/2003	Yong Cui	TI-35649	1391

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EXAMINER

FEENEY, BRETT A

ART UNIT	PAPER NUMBER
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3624

NOTIFICATION DATE	DELIVERY MODE
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01/06/2011

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/635,597	Applicant(s) CUI ET AL.	
	Examiner BRETT FEENEY	Art Unit 3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This following **FINAL** Office action is in response to Applicant's submission received 11/18/2010.

Change in Examiner

2. The current Examiner respectfully notes that Brett Feeney is the new Examiner for the instant application. Further correspondence should be directed to Examiner Feeney as appropriate.

Status of the Claims

3. Claims 1 – 14 were previously presented.
4. Claims 15 – 21 were previously cancelled.
5. No new claims have been added.
6. Claims 1 – 14 are currently pending.

Response to Amendment

7. Applicant's submission received 11/18/2010 is herein acknowledged and entered. In response to Applicants' submission the Examiner has maintained the objections to the claims. Further, the Examiner has maintained the rejections under §103.

Claim Objections

8. **Claims 1 and 8 are objected to** because of the following informalities: "auto automatically" should be amended to "automatically". Appropriate correction is required.

Response to Arguments

9. Applicant's arguments received 11/18/2010 are herein acknowledged and entered. Applicant's arguments have been fully considered and have been found unpersuasive. Applicant argues:
- i) Worthington and Lofton teach away from each other.

In response to argument i) that Worthington and Lofton teach away from each other, the Examiner respectfully disagrees. Worthington and Lofton both teach systems and methods for implementing event based applications related to planners or appointments. The instant invention is directed to electronic computing devices for managing appointments and other tasks. Therefore Worthington, Lofton and the instant invention are solving the same problem of efficiently managing appointments. Because the inventions (and related analogous art cited in the Office action and on the PTO-892) are solving similar problems they are analogous. Further, there is no evidence that combining teachings from the cited references teach away from one another or are some how incompatible. Applicant's claimed invention is a mere combination of old elements and in the combination each element merely would have performed the same

Art Unit: 3624

function as it did separately, and therefore one of ordinary skill in the art would have recognized that the results of the combination were predictable. Accordingly, the rejections are maintained.

The Examiner also respectfully notes that Worthington/Lofton was applied in the rejection under §103 in the first Office action dated 12/27/2010. In Applicant's numerous replies received 03/27/2008, 07/24/2008, 09/18/2008, 1/20/2009, 05/29/2009 and 09/02/2009 there has been such allegation that the applied references Worthington and Lofton teach away from one another. According to 37 CFR §1.111(b) a complete reply requires that Applicant "reduced to a writing which distinctly and specifically points out the supposed errors in the examiner's action and must reply to every ground of objection and rejection in the prior Office action. The reply must present arguments pointing out the specific distinctions believed to render the claims, including newly presented claims, patentable over applied references." Therefore, the new issues presented in the reply 11/18/2010, that were not raised in any of the earlier replies constitute an incomplete reply in Applicants' submissions received on 03/27/2008, 07/24/2008, 09/18/2008, 1/20/2009, 05/29/2009 and 09/02/2009. Because the Examiner has no authority to waive the provisions of a rule the reply received 03/27/2008 was incomplete six months following mailing date of the first Office action. See *In re Goodman*, 3 USPQ2d 1866, 1871 (ComrPats 1987).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

12. The Examiner respectfully notes that the hand-held calculator recited in both **Claim 1** and **Claim 8** is not tied to the steps recited in the claims. Therefore the claims are directed to a general purpose computer that includes a display, processor, memory that is capable of running a tangential software program. Further, the medium may be a disembodied medium that is not structurally tied to the calculator, processor or memory. The software program is not configuring the computer such that it is a particular machine, rather the software program itself be transiently executed by the claimed hand-held calculator or any other general

Art Unit: 3624

purpose computer. As such limitations a., b., and c. of **Claim 1** (and dependent claims further limiting steps a., b., and c.) and limitations i., ii. and iii. of **Claim 8** (and dependent claims further limiting steps i., ii. and iii.) are directed to non-functional descriptive material. The limitations drawn to non-functional descriptive material are not functionally involved in the steps recited nor do they alter the recited structural elements. The recited steps would be performed the same regardless of the specific data. Further, the structural elements remain the same regardless of the specific data. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994); MPEP § 2106. In an effort to advance prosecution the Examiner has mapped relevant art to the recited non-functional limitations. However, if Applicant desires patentable weight to be afforded to the limitations noted *supra*, then appropriate correction is required.

13. **Claims 1-5 and 8-12 are rejected under 35 U.S.C. 103(a)** as being unpatentable over Worthington US 6,442,527 (herein Worthington) in view of Lofton US 2003/0154116 (herein Lofton).

Regarding claim 1,

Worthington teaches hand-held calculator comprising a processor, memory, and a medium storing software (col. 3, lines 52-55, laptop computer is a hand-held computer device, it is old and well-known for steps to be stored in software) that causes the processor to perform the following steps:

a. create a time management entry in a time management application (col. 1, lines 61-64, col. 2, lines 24-33).

Worthington does not expressly teach:

- b. attach a link to the time management entry; and
- c. display the link on a display of the hand-held calculator.

Lofton teaches:

- b. attach a link to the time management entry (par. 23, lines 1-14, par. 112, lines 1-15); and
- c. display the link on a display of the hand-held calculator (par. 112, lines 1-15), wherein an update through the display relating to the link automatically updates the time management entry (par. 15, event updates are automatically received, par. 53, notifying users of an update).

The inventions of Worthington and Lofton pertain to scheduling time management entries in a time management application. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, as Lofton does not teach away from or contradict Worthington, but rather, teaches an additional feature that was not addressed. Additionally, the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Thus, it would have been obvious to combine the teachings, motivated by the fact that additional information is sometimes desired for certain appointments and tasks, such as the example for directions to a scheduled soccer game taught by Lofton (par. 112, lines 5-7).

Regarding claim 2, Worthington teaches wherein the time management entry is an appointment in the time management application (col. 2, line 30, col. 5, lines 49-55).

Regarding claim 3, Worthington teaches wherein the time management entry is a task in the time management application (col. 2, lines 31, col. 5, lines 49-52, 55-58).

Regarding claim 4, Worthington teaches wherein the time management applications is a calendar, and wherein the task is listed in an assignments due list managed by the calendar time management application (col. 2, line 31, col. 5, lines 49-58, Figures 4 and 5).

Regarding claim 5, Worthington does not teach wherein time periods in the calendar time management application are class periods.

Lofton teaches wherein the time periods in the calendar time management application are class periods (par. 127, lines 7-10).

The inventions of Worthington and Lofton pertain to scheduling time management entries in a time management application. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, as Lofton does not teach away from or contradict Worthington, but rather, teaches a specific embodiment that was not addressed. Additionally, the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Thus, it would have been obvious to combine the teachings, motivated by the advantage in ease of use provided by tailoring the invention to an educational environment.

Examiner officially notes that calling the time periods class periods is nonfunctional descriptive material, because it does not alter the article, and the application would be operable in the same manner regardless of if the time periods are class periods, work shifts, etc. Thus, this nonfunctional descriptive material will not distinguish the claimed invention from the prior art in terms of patentability.

Regarding claims 8-12, Worthington teaches that the invention can be embodied in a data processing unit, such as a laptop computer (col. 3, lines 52-55). It is thus old and well-known if not inherent that a laptop computer would contain a processor, a memory coupled to the processor, a storage medium coupled to the processor, a display, and would be able to run software that would perform the steps of claim 8. It is also inherent that a laptop is a portable computing device. It is also well-known that a laptop is a calculator. Claims 8-12 are rejected using the same art and rational as used above in rejecting claims 1-5.

14. Claims 6-7 and 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Worthington, in view of Lofton, further in view of Johnson JR. US 2004/0078752 (herein Johnson JR).

Regarding claims 6 and 13, neither Worthington nor Lofton teach wherein the attached link's association with the time management entry is indicated with a graphical icon in the application near the time management entry.

Art Unit: 3624

Lofton teaches wherein the attached link's association with the time management entry is indicated in the application near the time management entry (par. 112, lines 1-15).

Johnson JR teaches that the time management entry is indicated with a "document reference or document identifier" (par. 42, lines 4-8). Though Johnson JR does not specifically teach "graphical icon," "graphical icon" is an obvious variation of "document identifier."

The inventions of Lofton and Johnson JR pertain to attaching files to scheduled calendar events. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, as Lofton and Johnson JR do not teach away from or contradict Worthington, but rather, elaborate on a detail that was not addressed. Additionally, the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Thus, it would have been obvious to combine the teachings, motivated by the improvement in aesthetics and ease of use.

Examiner officially notes that specifying that the file attached to the time management entry is indicated with a graphical icon is nonfunctional descriptive material, because it does not alter the article, and the application would be operable in the same manner regardless of how the file attached to the time management entry is indicated. Thus, this nonfunctional descriptive material will not distinguish the claimed invention from the prior art in terms of patentability.

Regarding claims 7 and 14, neither Worthington nor Lofton teach wherein a user is able to activate the application associated with the attached link and view the attached link by selecting the graphical icon.

Lofton teaches wherein the user is able to activate the application associated with the attached file and view the attached file by selecting the link (par. 112, lines 1-15).

Johnson JR teaches that the time management entry is indicated with a “document reference or document identifier” (par. 42, lines 4-8). Though Johnson JR does not specifically teach “graphical icon,” “graphical icon” is an obvious if not inherent variation of “document identifier.”

The inventions of Lofton and Johnson JR pertain to attaching files to scheduled calendar events. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, as Johnson JR and Lofton do not teach away from or contradict Worthington, but rather, elaborate on a detail that was not addressed. Additionally, the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Thus, it would have been obvious to combine the teachings, motivated by the improvement in aesthetics and ease of use.

Conclusion

The references cited in the form PTO-892 were not applied under relevant sections of §102 or §103 in the above Office action, however they are considered relevant to both claimed and unclaimed features of the instant invention. Applicant is herein advised to review the cited prior art references prior to responding to the instant Office action in order to expedite prosecution of the instant application.

THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to **BRETT FEENEY** whose telephone number is **571.270.5484**. The Examiner can normally be reached on Monday-Thursday, 7:30am-6:30pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **Lynda Jasmin** can be reached at **571.272.6782**.

Art Unit: 3624

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair> . Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866.217.9197** (toll-free).

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/BRETT FEENEY/

Examiner, Art Unit 3624

Application/Control Number: 10/635,597
Art Unit: 3624

Page 14

/Romain Jeanty/
Primary Examiner, Art Unit 3624